



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/696,251	10/29/2003	G.B. Kirby Meacham		7024

30416 7590 07/05/2005

MEACHAM COMPANY
18560 PARKLAND DRIVE
SHAKER HEIGHTS, OH 44122

EXAMINER

SPITZER, ROBERT H

ART UNIT	PAPER NUMBER
----------	--------------

1724

DATE MAILED: 07/05/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/696,251

Applicant(s)

MEACHAM

Examiner

Robert H. Spitzer

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date ____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: ____.

DETAILED ACTION

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1-20 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 1 is indefinite because there is no direct antecedent basis for the recitations of "the barrier interior" and "the barrier surfaces". Claims 2-5 are indefinite because they recite "barrier surfaces" without any correlation to "the barrier surfaces" already recited in claim 1. Claim 6 is indefinite because there is no direct antecedent basis for the recitation of "said metallic content". Claim 7 is indefinite because there is no direct antecedent basis for the recitation of "the metal composition". Claim 9 is indefinite because there is no direct antecedent basis for the recitation of "the composition", and because when "such as" is being used, it is not known whether the broad "ceramic" or the more specific "alumina, zirconia or lanthanum chromite" is necessary to meet these claim limitations. Claim 10 is indefinite because there is no direct antecedent basis for the recitation of "the composition", and because when "such as" is being used, it is not known whether the broad "particles of oxide" or the more specific "copper oxide or nickel oxide" is necessary to meet these claim limitations. Claim 11 is indefinite for the same reasons as claim 10. Claim 12 is indefinite because there is no direct antecedent basis for the recitation of "the barrier material". Claim 15 is indefinite because there is no idrect antecedent basis for the recitation of "the composition". Claim 19 is indefinite because there is no direct

Art Unit: 1724

antecedent basis for the recitation of "the pore opening". Claims 8,13,14,16-18 and 20 are indefinite because they depend from the above indefinite claims.

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-7,12-15,19 and 20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by both the process of use and the membrane structure of Mercuri (2002/0094471).

5. Claims 1-20 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by both the process of use and membrane structure of Croset (2002/0155338).

6. The remaining references listed on the PTO-892 show art of interest.

7. Applicant's response to this Office action should also include the following editorial changes: page 3, line 20, "an coating" should be "a coating"; page 9, line 23, "and," should be inserted after ","; page 10, line 3, the "," should be a "."; page 13, line 5, "gasses" should be "gases"; page 14, line 11, "be also be" should be "also be"; page 14, lines 19 and 20, "gasses" should be "gases"; page 15, line 4, "C" should be "B"; page 15, line 13, "the" should be deleted: and, page 15, line 17, "embodiment" should be "embodiments".

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Robert H. Spitzer whose telephone number is (571)

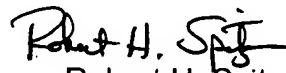
Art Unit: 1724

272-1167. The examiner can normally be reached on Monday-Thursday from (5:30AM-4:00PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Duane Smith can be reached on (571) 272-1166. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

June 29, 2005


Robert H. Spitzer
Primary Examiner
Art Unit 1724

June 29, 2005